



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

May 22, 2017
Certified Mail/Return
7012 3460 0003 1112 8785

Nuestro School
3934 Broadway Rd.
Live Oak, CA 95953

Attention: Joe Hendricks

Subject: Nuestro School - Public Water System No. 5100142 - Citation No. 21-17C-015 for Failure To Comply With A Permit Amendment Condition.

The Nuestro School water system (System) is classified as a nontransient - noncommunity water system. Per Permit Amendment No. 01-02-93(P)51028A3, Condition 'e', the System's treated water shall not exceed 10 micrograms per liter (ug/L) for arsenic. Our records show that treated water sampled in April 2017, resulted in an arsenic level of 41 ug/L. The System is receiving a citation for failure to comply with this permit condition. Please read this citation carefully and complete all directives.

Note that Section 116577 of the California Safe Drinking Water Act provides for the Division to be reimbursed by the Water System for costs incurred for preparing and issuing a citation. In accordance with Section 116577, the Water System will be billed for the preparation and issuance of this citation.

Any person who is aggrieved by an order or decision issued by the Division, may file a petition with the State Water Board for reconsideration of the order or decision. Petitions must be received by the State Board within 30 days of the issuance of the order or decision. The date of issuance is the date when the Division mails a copy of the order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m. See attached Applicable Authorities for relevant statutory provisions for filing a petition.

For more Information regarding filing petitions, visit the following website:
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please call Paul Rowe at (530) 224-4866 or me at (530) 224-4861.

Reese B. Crenshaw, P.E.
Valley District Engineer
DRINKING WATER FIELD
OPERATIONS BRANCH

Enclosure

1
2 **STATE OF CALIFORNIA**
3 **STATE WATER RESOURCES CONTROL BOARD**
4 **DIVISION OF DRINKING WATER**
5
6
7

8 To: Nuestro School
9 Attn: Joe Hendricks, Principal
10 3934 Broadway Rd.
11 Live Oak, CA 95953
12

13 **Issued:** May 22, 2017

14 VIA CERTIFIED MAIL/RETURN RECEIPT
15
16

17 **CITATION NO. 21-17C-015 FOR VIOLATION OF**
18 **CONDITION 'e' OF PERMIT AMENDMENT 01-02-93(P)51028A3**
19

20 Section 116650 of Chapter 4 of Part 12 of Division 104 of the California Health and
21 Safety Code (H&S Code) authorizes the issuance of a citation for failure to comply
22 with a requirement of the California Safe Drinking Water Act or any regulation,
23 standard, permit, or order issued thereunder.
24

25 The State Water Resources Control Board (hereinafter "Board"), acting by and
26 through its Division of Drinking Water (hereinafter "Division") and the Deputy Director
27 for the Division, hereby issues this Citation to Nuestro School for failure to comply

1 with applicable conditions of Permit Amendment No. 01-02-93(P)51028A3 (issued
2 June 4, 2014).

3
4 **APPLICABLE AUTHORITIES**

5 See Attachment 'A' for Applicable Authorities.
6

7 **STATEMENT OF FACTS**

8 Nuestro School (hereinafter, "System") is a nontransient - noncommunity water
9 system located in Sutter County that supplies water for domestic purposes to
10 approximately 120 people. The source of supply for the Water System is a
11 groundwater well designated as Well 002 (Source Number 5100142-002). In 2008,
12 the System installed a treatment plant to remove arsenic from the source water.
13

14 According to Permit Amendment No. 01-02-93(P)51028A3, Condition 'e', the
15 System's treated water entering the distribution system shall not exceed 10
16 micrograms per liter (ug/L). On April 25, 2017, an arsenic sample was collected from
17 the treated water at the Kitchen Sink sample point and resulted in an arsenic level of
18 41 ug/L.
19

20 **DETERMINATIONS**

21 Based on the above Statement of Facts, the State Board has determined that the
22 System has failed to comply with Permit Amendment No. 01-02-93(P)51028A3,
23 Condition 'e', in that the treated water exceeded the arsenic level of 10 ug/L in April
24 of 2017.
25

26 **DIRECTIVES**

27 The System is hereby directed to complete the following actions:

- 1
- 2 1. On or before **June 5, 2017**, submit to the Division a full explanation as to
- 3 how the treated water exceeded the arsenic MCL, as well as what
- 4 measures will be put into place to prevent this violation from reoccurring.
- 5
- 6 2. The System shall provide a Tier 3 public notification (by inclusion in the
- 7 **2017 Consumer Confidence Report**) of this citation for the failure to
- 8 comply with the permit condition specified above.
- 9

10 Nothing in this Citation relieves the System of its obligation to meet the requirements
11 of Health and Safety Code, Division 104, Part 12, Chapter 4 (California Safe
12 Drinking Water Act), or any regulation, permit, standard or order issued or adopted
13 thereunder. The Division reserves the right to make such modifications to this
14 Citation, as it may deem necessary to protect public health and safety. Such
15 modifications may be issued as amendments to this Order and shall be effective
16 upon issuance.

17
18 All submittals required by this Citation shall be submitted to the Division at the
19 following address:

20
21 Reese B. Crenshaw, P. E.
22 Valley District Engineer
23 State Water Resources Control Board
24 Division of Drinking Water
25 364 Knollcrest Dr. Suite 101
26 Redding, CA 96002

FURTHER ENFORCEMENT ACTION

The California Safe Drinking Water Act (SDWA) authorizes the Board to: issue citations with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order.

The California SDWA also authorizes the Board to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Board; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with or violates an order of the Board. The Board does not waive any further enforcement action by issuance of this citation.

PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each and every provision thereof notwithstanding the effectiveness of any other provision.

Date

5/22/17



Reese B. Crenshaw, P.E.,
Valley District Engineer
Division of Drinking Water
State Water Resources Control Board

- 1 Attachments:
- 2 Attachment A – Applicable Authorities
- 3

ATTACHMENT A

APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the Department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.*
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.*
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.*
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).*
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.*

Section 116701 of the CHSC states in relevant part:

Petitions to Orders and Decisions

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.*
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.*
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.*
- (d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.*

ATTACHMENT A

- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.*
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.*

Permit Amendment No. 01-02-93(P)51028A3, Condition 'e' states:

- (e) The treated water entering the distribution system shall not exceed 10.4 micrograms per liter (ug/L).*

Section 64463.7, Title 22, of the CCR States in relevant part:

Tier 3 Public Notice

- (a) Each water system shall give public notice pursuant to this section if any of the following occurs:*
 - 1) Monitoring violations;*
 - 2) Failure to comply with a testing procedure, except where a Tier 1 public notice is required pursuant to section 64463.1 or the State Board determines that a Tier 2 public notice is required pursuant to section 64463.4; or*
 - 3) Operation under a variance or exemption.*
- (f) Each water system shall give the public notice within one year after it learns of the violation or begins operating under a variance or exemption.*

ATTACHMENT A

- 1) *The water system shall repeat the public notice annually for as long as the violation, variance, exemption, or other occurrence continues.*
- 2) *Posted public notices shall remain in place for as long as the violation, variance, exemption, or other occurrence continues, but in no case less than seven days.*
- 3) *Instead of individual Tier 3 public notices, a water system may use an annual report detailing all violations and occurrences for the previous twelve months, as long as the water system meets the frequency requirements specified in this subsection.*